IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO
WRIT PETITION NO : 14277 of 1994

Between:

Gudapareddy Hanumantha Reddy, S/o. Kona reddy,
R/o. Sultanpet ,Hanpet of Narpala, Ananthapur Dist.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Bukkarayasamudram (M),
Ananthapur Dist.
2 The Joint Collector ,Ananthapur.
3 The Commissioner of Land Revenue Govt of A.P. Hyderabad.
4 The Govt. of A.P. rep by it's Hon'ble Minister for Revenue,
Secretariat, Hyderabad.
5 Pinnadari Nadipi Narayan,
R/o. Bommalatapalli(V),Bukkaraya Samudram (M), Ananthapur Dist.
6 Pinnadari Chinna Narayan,
R/o. Bommalatapalli(V),Bukkaraya Samudram (M), Ananthapur Dist.
7 Pinnadari Pedda Rangaiah,
R/o. Bommalatapalli(V),Bukkaraya Samudram (M), Ananthapur Dist.
8 Pinnadari Rangaiah,
R/o. Bommalatapalli(V),Bukkaraya Samudram (M), Ananthapur Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue an appropriate Writ order or direction the proceedings No.D.Dis A4/5453/86 , dt.3.7.87 of the second respondent and consequential orders of the respondents 3 and 4 as illegal, irregular, arbitrary,unjustified, unsustainable and contrary to the board standing orders null and void and set aside the same and pass.

For the Petitioner:MR.P.VEERA REDDY

For the Respondent No.: GP FOR REVENUE

The Court Made the Following :

THE HONOURABLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION NO.14277 OF 1994.

ORDER:

Heard both sides.

This writ petition is filed by the petitioner *inter alia* seeking mandamus challenging the order dated 3.7.1987 in proceedings No.D.Dis.A4/5453/86 of the II respondent/Joint Collector and also the consequential orders of respondent Nos.3 and 4.

The case of the petitioner in brief is that the Mandal Revenue Officer, vide proceedings D.Dis.36/95, dated 01.3.1986, assigned land admeasuring Ac.2.50 situated under Survey No.463-2 of Bommalatapalli village of Anantapur District, to the petitioner and patta was grated in his favour. On filing appeal by the 5th respondent, respondent No.2 set aside the patta, granted in favour of the petitioner, vide impugned order dated 3.7.1987. Aggrieved by the same, the petitioner herein preferred revision before respondent No.3, who mechanically dismissed the revision, confirming the impugned order. Then the petitioner filed revision before respondent No.4, who, in the absence of both the counsel for the petitioner and the contesting respondents, rejected the revision noting as if both the counsel were present. Then the petitioner filed a petition before respondent No.4 for restoration of revision, but respondent No.4 informed the petitioner through Memo No.63118/Asn.4(1), dated 11.10.1993 that the revision petition will not be restored. Aggrieved by the same present writ petition is filed.

Having heard the learned counsel on both sides and also on

perusing the material on record, it is now well established that every authority has all the powers, whether incidentally or otherwise, to entertain any application on the ground that the said orders are on exparte. It cannot, therefore, be said that respondent No.4 has no power to entertain application for restoration of the revision, which are disposed of.

In the circumstances, the writ petition is accordingly allowed. Impugned order dated 3.7.1997 is set aside and also the order dated 11.10.1993 is hereby set aside. The revision is restored to the file of respondent No.4 herein. Respondent No.4 is directed to dispose of the revision on merits, after giving opportunity to both sides. It is needless to mention that parties shall maintain status quo till disposal of the revision.

18.6.2004.

mdaa/stv.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, The Chief Justice on this the eighteenth day of June, two thousand and four.

Sd/-
ASSISTANT REGISTRAR.

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer, Bukkarayasamudram (M),
Ananthapur Dist.
2 The Joint Collector ,Ananthapur.
3 The Commissioner of Land Revenue Govt of A.P. Hyderabad.
4 The Govt. of A.P. rep by it's Hon'ble Minister for Revenue,
Secretariat, Hyderabad.
5. 2CCs to G.P. for Revenue
2. 2CD copies

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